

REMARKS

Claims 31-32 and 34-38 are now in the application. Claim 31 has been amended to include recitations from prior claim 33 to recite that the flat plates are glass. Claim 31 has also been amended to recite "than" after the phrase "a smaller surface area" as suggested by the examiner for purposes of clarification and not to limit its scope. The objection to the claims has been overcome by this latter later amendment to the claims.

The rejections of claims 31-35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent 6,447,885 and of claims 36 and 37 over claims 1-13 of U.S. Patent 6,447,885 in view of U.S. Patent 4,715,686 to Iwashita et al., and of claim 38 over your U.S. Patent 6,447,885 in view of Japanese 08/043836 have been overcome by the filing of the attached Terminal Disclaimer. The filing of the Terminal Disclaimer is not construed as an admission, estoppel or acquiescence. See *Quad Environmental Technology v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991) and *Ortho Pharmaceuticals Corp. v. Smith*, 22 USPQ2d 1119 (Fed. Cir. 1992).

The rejections of Claim 31 under 35 U.S.C. §102 (b) as being anticipated by a U.S. Patent 4,803,124 to Kunz or U.S. Patent 5,187,123 to Yoshida et al have been rendered moot by the above amendment to claim 31. In particular, claim 31 has been amended to include recitations from prior claim 33 which was not rejected over these references.

In view of the above, allowance is, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment to CBLH Deposit Account No. 22-0185.

Dated:

Respectfully submitted,

By _____

Burton A. Amernick

Registration No.: 24,852

CONNOLLY BOVE LODGE & HUTZ, LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036-3425

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Applicant